



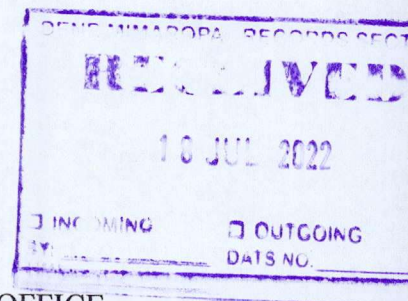
Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region

PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE

Bgy. Sta. Monica, Puerto Princesa City, Palawan

Telfax No. (048) 434 - 8791

Email Add: penropalawan@denr.gov.ph



July 4, 2022

MEMORANDUM

FOR : The Regional Executive Director
DENR MIMAROPA Region
1515 L&S Bldg., Roxas Blvd.
Ermita, Manila

FROM : Provincial Environment and
Natural Resources Officer

SUBJECT : **PAYMENT OF ANNUAL GOVERNMENT SHARE OF AL
HOLDERS OF TENURIAL INSTRUMENT**

Respectfully forwarded is the memorandum of CENRO Roxas, Palawan dated May 19, 2022 relative to the above subject.

Per report, the Diwaran Resorts Philippines Inc. has not yet paid the Annual Government share up to this date despite of the Show Cause Order/Notice of Breach dated November 8, 2021 issued by then Regional Executive Director Maria Lourdes G. Ferrer, CESO III.

For information and further instruction


FELIZARDO B. CAYATOC

Copy Furnished:
CENRO Coron, Palawan
<cenrocoron@denr.gov.ph>
KVE/MES Doc. No. 2022-5143

DENR-PALAWAN
PENRO-RECORDS
RELEASED
By
Date: 11 JUL 2022 CN 22-1684



Republic of the Philippines
Department of Environment and Natural Resources
Community Environment and Natural Resources Office
Barangay 5, Calamianes Island, Coron, Palawan
Telephone No. +63 917 504 2633
E-mail: cenrocoron@denr.gov.ph Website: www.denr.gov.ph

MEMORANDUM

FOR : The Provincial Environment and
Natural Resources Officer
Bgy. Sta. Monica, Puerto Princesa City

FROM : The Community Environment and
Natural Resources Officer

SUBJECT : **JUSTIFICATION ON THE COLLECTION OF ANNUAL
GOVERNMENT SHARE (AGS) OF DIWARAN RESORTS
PHILIPPINES, INC.**

DATE : June 9 , 2022

**DENR PENRO
PALAWAN RECORDS
RECEIVED**
BY: *[Signature]*
DATE: *06-13-2022* *22-5143*

This is compliance to your memo instruction dated June 7, 2022 re: updates on the agreements reached in the FDU meeting held last May 16, 2022 of DENR, Palawan.

Please be informed that Diwaran Resorts Philippines Inc., has not paid the AGS till now despite of the Show Cause Order/Notice of Breach dated November 8, 2021 of non-payment of said AGS issued by the then Regional Executive Director Maria Lourdes G. Ferrer, CESO III (*Show Cause Order/Notice of Breach is hereto attached*).

Further informed that the monitoring team always advised the proponent to pay their AGS and review the agreements terms and conditions. Attached are letters of demand dated November 19, 2020 and June 8, 2022.

For information and consideration.

JEFFREY C. CASTRO
Forester II
(In-charge Office of the CENRO)





Republic of the Philippines
Department of Environment and Natural Resources
Community Environment and Natural Resources Office
Barangay 5, Calamianes Island, Coron, Palawan
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June 8, 2022

MR. ALEXANDER R. REYES

Attorney-In-Fact

19 Loja St., Vista Verde Executive Village
Imelda Ave., Cainta Rizal

**SUBJECT : DEMAND OF PAYMENT OF ANNUAL GOVERNMENT
SHARE OF DIWARAN RESORT PHILIPPINES, INC.
FROM 2010-2022**

This is to inform you that base on records kept in this office, Diwaran Resorts Philippines, Inc. has not paid the Annual Government Share of Php. 2,064,375.00 per annum since issuance of FLAGT.

Paragraph IX of your FLAGT Agreement states that, "*The **SECOND PARTY** shall pay the Annual Government Share of Php. 2,064,375.00 per annum.*"

Likewise, **Paragraph X** also state that "*The Annual Government Share shall be paid by the **SECOND PARTY** without need of demand within the same month that this agreement is issued. In case of failure to pay the Annual Government Share on the due date, the **SECOND PARTY** shall pay additional charges of 8.33% per month delay.*"

In this, our office hereby requiring you to pay the total amount of Php.49,545,000.00 representing the Annual Government Share from 2010 to 2022 including additional charges of 8.33% per month of delay or 100% per annum as provided for in DAO 2004-28 as amended by DAO 2021-02.

Failure on your part to pay said Annual Government Share including the surcharges fifteen (15) days upon receipt hereof may constitute the basis of the cancellation of your Forest Land Use Agreement for Tourism Purposes bearing FLAGT No. 09-2010.

We hope that you are properly informed.

Very truly yours,

For and in the absence of the CENRO

JEFFREY C. CASTRO

Forester

(In-charge Office of the CENRO)

Copy furnished:

- Regional Executive Director
DENR MIMAROPA Region
- The PENR Officer
Sta. Monica, Puerto Princesa City
- File

11-11-2021 2:11:33

**SUBJECT : MONITORING AND ASSESSMENT RESULT ON THE
PERFORMANCE OF FOREST LAND USE AGREEMENT
FOR TOURISM PURPOSES (FLAgT) NO. 09-2010 ISSUED
ON MAY 26, 2010 LOCATED IN DIWARAN ISLAND,
BARANGAY MARCILLA, CORON, PALAWAN**

SHOW-CAUSE ORDER/NOTICE OF BREACH

TO : ALEXANDER R. REYES
Attorney-In-Fact
19 Loja St., Vista Verde Executive Village
Imelda Ave., Cainta, Rizal

Pursuant to the provisions of *DAO No. 1004-28* dated August 25, 2004 and *DAO 2009-16* dated November 25, 2009, it is the policy of the State to promote, encourage, provide equitable access to forestland and resources, and develop tourism as a major national activity in which private sector investment, effort and initiative are fostered and supported.

The government shall allow qualified persons to occupy, develop, utilize and sustainability manage forestlands for tourism purposes.

Based on the monitoring conducted on November 18, 2020 by the CENRO Coron, Palawan Monitoring and Assessment Team, their findings disclose that you failed to:

1. *Submit the required Annual Report/s to the DENR; and*
2. *Pay the required Annual Government Share since 2010.*

In *FLAgT No. 09-2010* issued in the name of *Diwaran Resorts Philippines, Inc.*, as Attorney-In-Fact of said corporation, you expressly agreed to the following:

1. *Item IX-payment of an annual Government Share of Two Million Sixty Four Thousand Three Hundred Seventy Five Pesos (Php2,064,375.00);*
2. *Item No. XX- submission of an Annual Report showing developmental activities undertaken within the FLAgT Area in accordance with the approved Comprehensive Development Management Plan (CDMP); and,*
3. *Item No. XXII (a) - any violation of the terms and conditions, or failure to comply with the obligations stipulated in the contract will constitute grounds for the termination or cancellation of the FLAgT.*

In Item No. XXIII, it is provided that "*In the event the FIRST PARTY determines that any of the grounds in Item No. XXII exists, a notice of breach shall be sent to the SECOND PARTY giving the latter at least fifteen (15) calendar days to submit a written explanation. Before any termination is resorted to, the parties shall meet and exert best efforts to resolve the dispute, except when the grounds refer to items (b) and (c). The SECOND PARTY shall be given reasonable time within which to remedy the breach or to implement the agreed remedial measures.*"

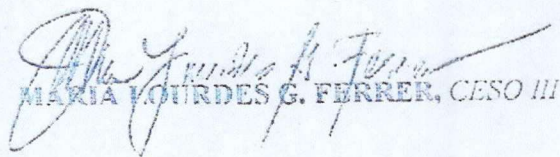
WHEREFORE, the following are hereby ordered, within thirty (30) days upon receipt hereof:

1. To **SUBMIT** your written explanation under oath why FLAgT No. 09-2010 issued in the name of Diwaran Resorts Philippines, Inc. shall not be cancelled for non-compliance with the terms and conditions set forth in the contract;
2. To **SUBMIT** the required Annual Report required in Item No. XX; and
3. To **PAY** the Annual Government Share since 2010.

Failure to comply thereto will result in the cancellation of FLAgT No. 09-2010 and the filing of other appropriate charges, if necessary.

SO ORDERED.

Issued this NOV 08 2021 in the City of Manila, Philippines.


MARIA LOURDES G. FERRER, CESO III



Copy furnished

PENRO Palawan
Brgy. Sta. Monica, Puerto Princesa City, Palawan

CENRO Coron
Brgy. Poblacion V, Coron, Palawan

ED/MIC/11/08/2021



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
PROVINCE OF PALAWAN
Email address: cenro_coron@yahoo.com

November 19, 2020

THE MANAGER

Diwaran Resorts Phils., Inc.
12th Floor, Net One Center Building,
Bonifacio Global City, Taguig

Dear Sir/Madam:

Greetings!

This is in connection to the Forest Land Use Agreement for Tourism Purposes (FLAgT) bearing FLAgT No. 09-2010 situated at Diwaran Island, Barangay Marcilla, Coron, Palawan.

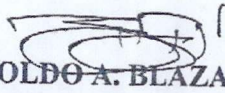
Records kept in this office showed that you have not paid the annual user's fee since issuance of your FLAgT.

In this regard, our office is requesting to pay the said Annual User's Fee in the CENR Office at Barangay 5, Coron, Palawan.

Thank you for your cooperation. God bless.

Very truly yours,




ARNOLDO A. BLAZA, JR.
OIC-Community Environment and
Natural Resources Officer



Republic of the Philippines
Department of Environment and Natural Resources
Community Environment and Natural Resources Office
Barangay 5, Calamianes Island, Coron, Palawan
Telephone No. +63 917 504 2633
E-mail: cenrocoron@denr.gov.ph Website: www.denr.gov.ph

ENFORCEMENT

MEMORANDUM

FOR : The Provincial Environment and
Natural Resources Officer
Bgy. Sta. Monica, Puerto Princesa City

FROM : The Community Environment and
Natural Resources Officer

SUBJECT : **JUSTIFICATION ON THE COLLECTION OF ANNUAL
GOVERNMENT SHARE (AGS) OF DIWARAN RESORTS
PHILIPPINES, INC.**

DATE : June 9, 2022

DENR PENRO
PALAWAN RECORDS
RECEIVED

BY: *[Signature]*
DATE: *06/13/2022* *22-5142*

This is compliance to your memo instruction dated June 7, 2022 re: updates on the agreements reached in the FDU meeting held last May 16, 2022 of DENR, Palawan.

Please be informed that Diwaran Resorts Philippines Inc., has not paid the AGS till now despite of the Show Cause Order/Notice of Breach dated November 8, 2021 of non-payment of said AGS issued by the then Regional Executive Director Maria Lourdes G. Ferrer, CESO III (*Show Cause Order/Notice of Breach is hereto attached*).

Further informed that the monitoring team always advised the proponent to pay their AGS and review the agreements terms and conditions. Attached are letters of demand dated November 19, 2020 and June 8, 2022.

For information and consideration.

JEFFREY C. CASTRO
Forester II
(*In-charge Office of the CENRO*)



**SUBJECT : MONITORING AND ASSESSMENT RESULT ON THE
PERFORMANCE OF FOREST LAND USE AGREEMENT
FOR TOURISM PURPOSES (FLAgT) NO. 09-2010 ISSUED
ON MAY 26, 2010 LOCATED IN DIWARAN ISLAND,
BARANGAY MARCILLA, CORON, PALAWAN**

SHOW-CAUSE ORDER/NOTICE OF BREACH

TO : ALEXANDER R. REYES
Attorney-In-Fact
19 Loja St., Vista Verde Executive Village
Imelda Ave., Cainta, Rizal

Pursuant to the provisions of *DAO No. 2004-28* dated August 25, 2004 and *DAO 2009-16* dated November 25, 2009, it is the policy of the State to promote, encourage, provide equitable access to forestland and resources, and develop tourism as a major national activity in which private sector investment, effort and initiative are fostered and supported.

The government shall allow qualified persons to occupy, develop, utilize and sustainability manage forestlands for tourism purposes.

Based on the monitoring conducted on November 18, 2020 by the CENRO Coron, Palawan Monitoring and Assessment Team, their findings disclose that you failed to:

1. *Submit the required Annual Report/s to the DENR; and*
2. *Pay the required Annual Government Share since 2010.*

In FLAgT No. 09-2010 issued in the name of Diwaran Resorts Philippines, Inc., as Attorney-In-Fact of said corporation, you expressly agreed to the following:

1. *Item IX-payment of an annual Government Share of Two Million Sixty Four Thousand Three Hundred Seventy Five Pesos (Php2,064,375.00);*
2. *Item No. XX- submission of an Annual Report showing developmental activities undertaken within the FLAgT Area in accordance with the approved Comprehensive Development Management Plan (CDMP); and,*
3. *Item No. XXII (a) - any violation of the terms and conditions, or failure to comply with the obligations stipulated in the contract will constitute grounds for the termination or cancellation of the FLAgT.*

In Item No. XXIII, it is provided that *"In the event the FIRST PARTY determines that any of the grounds in Item No. XXII exists, a notice of breach shall be sent to the SECOND PARTY giving the latter at least fifteen (15) calendar days to submit a written explanation. Before any termination is resorted to, the parties shall meet and exert best efforts to resolve the dispute, except when the grounds refer to items (b) and (c). The SECOND PARTY shall be given reasonable time within which to remedy the breach or to implement the agreed remedial measures."*

WHEREFORE, the following are hereby ordered, within thirty (30) days upon receipt hereof:

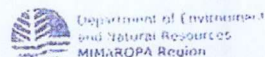
1. To **SUBMIT** your written explanation under oath why FLAgT No. 09-2010 issued in the name of Diwaran Resorts Philippines, Inc. shall not be cancelled for non-compliance with the terms and conditions set forth in the contract;
2. To **SUBMIT** the required Annual Report/s required in Item No. XX; and,
3. To **PAY** the Annual Government Share since 2010.

Failure to comply thereto will result in the cancellation of FLAgT No. 09-2010 and the filing of other appropriate charges, if necessary.

SO ORDERED.

Issued this NOV 08 2021 in the City of Manila, Philippines.


MARIA LOURDES G. FERRER, CESO III



Copy furnished

PENRO Palawan
Brgy. Sta. Monica, Puerto Princesa City, Palawan

CENRO Coron
Brgy. Poblacion V, Coron, Palawan

ED/MUO/11/04/2021



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
PROVINCE OF PALAWAN
Email address: cenro_coron@yahoo.com

November 19, 2020

THE MANAGER

Diwaran Resorts Phils., Inc.
12th Floor, Net One Center Building,
Bonifacio Global City, Taguig

Dear Sir/Madam:

Greetings!

This is in connection to the Forest Land Use Agreement for Tourism Purposes (FLAgT) bearing FLAgT No. 09-2010 situated at Diwaran Island, Barangay Marcilla, Coron, Palawan.


Records kept in this office showed that you have not paid the annual user's fee since issuance of your FLAgT.

In this regard, our office is requesting to pay the said Annual User's Fee in the CENR Office at Barangay 5, Coron, Palawan.

Thank you for your cooperation. God bless.

Very truly yours,




ARNOLDO A. BLAZA, JR.
OIC-Community Environment and
Natural Resources Officer



Republic of the Philippines
Department of Environment and Natural Resources
Community Environment and Natural Resources Office
Barangay 5, Calamianes Island, Coron, Palawan
Telephone No. +63 917 504 2633
E-mail: cenrocoron@denr.gov.ph Website: www.denr.gov.ph

June 8, 2022

MR. ALEXANDER R. REYES

Attorney-In-Fact

19 Loja St., Vista Verde Executive Village
Imelda Ave., Cainta Rizal

**SUBJECT : DEMAND OF PAYMENT OF ANNUAL GOVERNMENT
SHARE OF DIWARAN RESORT PHILIPPINES, INC.
FROM 2010-2022**

This is to inform you that base on records kept in this office, Diwaran Resorts Philippines, Inc. has not paid the Annual Government Share of Php. 2,064,375.00 per annum since issuance of FLAGT.

Paragraph IX of your FLAGT Agreement states that, "*The **SECOND PARTY** shall pay the Annual Government Share of Php. 2,064,375.00 per annum.*"

Likewise, **Paragraph X** also state that "*The Annual Government Share shall be paid by the **SECOND PARTY** without need of demand within the same month that this agreement is issued. In case of failure to pay the Annual Government Share on the due date, the **SECOND PARTY** shall pay additional charges of 8.33% per month delay.*"

In this, our office hereby requiring you to pay the total amount of Php.49,545,000.00 representing the Annual Government Share from 2010 to 2022 including additional charges of 8.33% per month of delay or 100% per annum as provided for in DAO 2004-28 as amended by DAO 2021-02.

Failure on your part to pay said Annual Government Share including the surcharges fifteen (15) days upon receipt hercof may constitute the basis of the cancellation of your Forest Land Use Agreement for Tourism Purposes bearing FLAGT No. 09-2010.

We hope that you are properly informed.

Very truly yours,
For and in the absence of the CENRO

JEFFREY C. CASTRO
Forester III
(In-charge Office of the CENRO)

Copy furnished:

- **Regional Executive Director**
DENR MIMAROPA Region
- **The PENR Officer**
Sta. Monica, Puerto Princesa City
- **File**

DEMAND LETTER RE: ANNUAL GOV'T. SHARE OF DIWARAN RESORTS, INC.

Pepo Nunez <nunez.pepo@gmail.com>

To: R4B CENRO Coron <cenrocoron@denr.gov.ph>

Cc: DENR Mimaropa Region <mimaroparegion@denr.gov.ph>, R4B PENRO Palawan <penropalawan@denr.gov.ph>

Fri, Jun 24, 2022 at 12:15 PM

Dear OIC Verian,

We acknowledge receipt of the following documents:

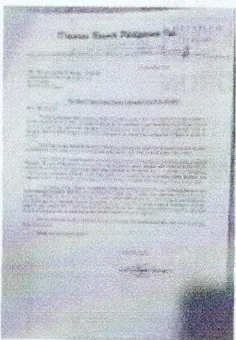
1. Diwaran Demand Payment dated June 24, 2022
2. Diwaran AGS Payment dated June 9, 2022
3. Diwaran Show Cause Letter dated November 21, 2021

Rest assured the above-mentioned matters will be attended to immediately. By way of information to your goodselves, Mr Zamora has written a letter to DENR addressed to Ms Lourdes G Ferrer, CESO III, DENR MIMAROPA on December 15, 2021, a copy of which is attached herewith in response to the Show-Cause Letter.

Thank you very much for your immediate response to our request.

Sincerely,

Jose A Nuñez Jr,
Assistant to Mr Salvador B Zamora II
[Quoted text hidden]

DENR PENRO
PALAWAN RECORDS
RECEIVEDBY:
DATE: 06-24-2022 22:5596

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56K



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
Community Environment and Natural Resources Office
Barangay 5, Calamianes Island, Coron, Palawan
Telephone No. +63 917 504 2633
E-mail: cenrocoron@denr.gov.ph Website: www.denr.gov.ph

June 24, 2022

Mr. Salvador Zamora

Chairman, Diwaran Resorts Phils., Inc.
4th Floor Low Rise Tower
Pacific Star Bldg; Makati City
Email Address: nunez.pepo@gmail.com

**SUBJECT: DEMAND OF PAYMENT ANNUAL GOVERNMENT SHARE OF
DIWARAN RESORTS PHILS., INC.**

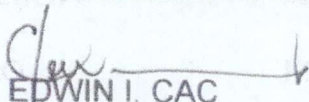
This is to reiterate our letter of demand dated June 8, 2022 demanding the payment of government share amounting to Php 49,545,000.00 covering the period from cy 2010 to 2022.

After careful review of available records of this office, it was also found that you have not paid your Performance Bond. Paragraph XIII of the FLAgT agreement states that "As guarantee for the faithful performance of the terms and conditions, the SECOND PARTY shall post a performance bond of Four Million One Hundred Twenty Eight Thousand Seven Hundred fifty Pesos (Php 4,128,750.00) either in cash equivalent to twice the annual government share on 50% of the performance bond shall be posted in cash and the 50% of balance in form of surely bond with a duration of five (5) years renewal every five (5) years. Provided, that the face value of surely bond shall be increased by 25%.

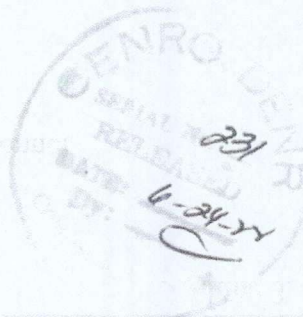
Again, failure on your part to settle your obligations totalling the amount of Php 53,673,750.00 representing payment of Annual Government Share and Bond Deposit pursuant to DAO 2004-28 as amended by DAO 2021- 02 within fifteen (15) days upon receipt hereof may constitute the basis for the cancellation of your Forest Land Use Agreement (FLAGT) issued to Diwaran Records Phils., Inc. on May 26, 2010.

Very truly yours;

For in the absent of the CENRO:


EDWIN I. CAC

(SEMS/ Office in-charge office of the CENRO)



CC:

-The Regional Executive Director
DENR MIMAROPA Region
-The PENRO Office
Sta. Monica, Puerto Princesa City
File